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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

United States of America: draft resolution

Establishment of a United Nations High Commissioner for Human Rights

The General Assembly,

Recognizing the necessity for a continuing adaptation of the United Nations human rights machinery to the current and future needs in the promotion and protection of human rights, as reflected in the Vienna Declaration and Programme of Action, 1/ and within the framework of a balanced and sustainable development for all people,

Recognizing in particular that the United Nations human rights organs should improve their coordination, efficiency, and effectiveness,

Having considered the recommendation contained in paragraph 18 of part II of the Vienna Declaration and Programme of Action, 1/

Decides to create the Office of High Commissioner for Human Rights within the framework outlined in the annex to the present resolution, and requests the Secretary-General to advise the General Assembly of his proposed appointment to fill this post by 1 March 1994.

1/ A/CONF.157/24 (Part I), chap. III.

Annex

FRAMEWORK GOVERNING SELECTION AND OPERATIONS OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

1. Method of election and duration of term

The High Commissioner will:

- Be appointed by the Secretary-General of the United Nations and approved by the General Assembly;

- Serve a four-year term, renewable on the recommendation of the Secretary-General and approval of the General Assembly for a maximum of one four-year period;

- Hold a rank equivalent to that of an Under-Secretary-General.

In considering the appointment of a High Commissioner, the Secretary-General will be guided by the considerations set down in Article 101.3 of the Charter of the United Nations.

2. Personal qualifications of a High Commissioner

The High Commissioner will be a person of high moral standing with the expertise, the personal independence, the requisite knowledge and understanding of diverse cultures, and the integrity necessary for the impartial and effective performance of the duties of High Commissioner.

3. Framework and guiding principles

In the performance of his/her mandate and functions, the High Commissioner will:

- Be guided by the Charter of the United Nations, the Universal Declaration of Human Rights, 2/ other international instruments on human rights, and international law;

- Attach priority to cooperation for the promotion and protection of human rights;

- Observe the importance of acting with discretion and of seeking to secure the full cooperation of the State concerned;

- Act on the basis that all human rights are universal, indivisible and interrelated, and that, while the significance of various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

2/ Resolution 217 A (III).

- Demonstrate impartiality and objectivity in the implementation of his/her mandate;

- Recognize the importance of promoting balanced and sustainable development for all people, and of the relationship between human rights, democracy and development as elaborated in the Vienna Declaration and Plan of Action. 1/

4. Mandate and functions of the High Commissioner

The High Commissioner will be the United Nations official with principal responsibility for the promotion and protection of all human rights. Within the framework of the overall competence, authority and decisions of the Secretary-General, the General Assembly, the Economic and Social Council and the Commission on Human Rights, the High Commissioner's responsibilities will include:

(a) The promotion and protection of all human rights and fundamental freedoms, including:

(i) The effective enjoyment by all of their civil, cultural, economic, political and social rights;

(ii) Elimination and prevention of violations of all human rights around the world;

(b) The coordination of:

(i) Human rights activities of the United Nations system and of the human rights dimensions of other United Nations activities, including, inter alia, in the areas of peace-keeping, electoral assistance and developmental activities, in conformity with the recommendations of appropriate organs;

(ii) The adaptation and strengthening of the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness;

(iii) Through the Centre for Human Rights and other relevant units and organizations, the provision of advisory services and technical assistance to Member States in the field of human rights at the request of the State concerned;

(iv) The strengthening of United Nations human rights education and public information programmes for the promotion and protection of all human rights;

(c) Responsibility for:

(i) The overall supervision of the Centre for Human Rights and other United Nations offices as may be designated by the Secretary-General;

(ii) The presentation of recommendations to relevant bodies of the United Nations system with a view to improving the promotion and protection of all human rights;

(iii) Implementing the relevant recommendations of the Vienna Declaration and Programme of Action;

(iv) Implementation of the decisions of the competent organs of the United Nations system in the field of human rights;

(v) In appropriate cases, initiating within the framework of the overall authority of the Secretary-General, and with due regard for the value of proceeding with discretion and of keeping the Commission on Human Rights apprised as appropriate of his/her actions:

- Contacts with Governments;

- The dispatch of fact-finding missions with the consent of States concerned;

- Provision of assistance to Governments at their request;

- Other appropriate action to prevent serious violations of human rights;

(vi) Representing the Secretary-General in connection with his responsibilities for liaison and coordination of United Nations activities in the field of human rights with those of other bodies of the United Nations system;

(vii) The annual submission to the Commission on Human Rights and to the Economic and Social Council of a preliminary report, and to the General Assembly of a final report, on his/her activities and recommendations in accordance with his/her mandate.

5. Human and financial resources

The Secretary-General is called upon to ensure that appropriate resources are provided to the High Commissioner to enable him/her to fulfil this mandate.